



August 7, 2019

Mr. Donald Stockdale, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WT Docket No. 17-200
Request for Modification
Public Notice, DA 18-949
900 MHz Temporary Filing Freeze

Dear Mr. Stockdale:

NextEra Energy Inc. ("NextEra"), by its counsel, hereby responds to the July 8, 2019, letter submitted on behalf of pdvWireless, Inc., dba Anterix, requesting a modification of the freeze on 900 MHz applications that was adopted by the Wireless Telecommunications Bureau ("Bureau") on September 13, 2018.¹ As discussed below, the Anterix letter should be disregarded because it (i) does not appropriately allow incumbents to optimize or expand their existing networks and (ii) will become moot upon Bureau grant of an earlier filed and more comprehensive request for relief.

At the outset, NextEra notes that it supports the Petition for Reconsideration or Clarification of the Utilities Technology Council ("UTC") filed October 15, 2018.² The UTC Petition asked the Bureau to reconsider or clarify the Freeze to apply only to applications by entities that are not affiliated with current licensees in the 900 MHz band (*i.e.*, non-incumbents). Such a reconsideration/clarification would allow for the modification and natural business growth, of incumbents' existing systems, including for deploying new and expanded interoperable 900 MHz systems in recently acquired utility service territories. NextEra's subsidiary Florida Power & Light ("FPL") filed a request for waiver of the 900 MHz freeze that is wholly consistent with the UTC Petition, seeking a waiver to expand FPL's 900 MHz network to include newly acquired service territory.³ Both the UTC and FPL requests, filed in 2018, remain pending.

¹ Wireless Telecommunications Bureau Announces Temporary Filing Freeze on the Acceptance of Certain Part 90 Applications for 896-901/935-940 MHz (900 MHz Band) Spectrum, *Public Notice*, DA 18-949 (rel. Sept. 13, 2018) ("Freeze").

² Petition for Reconsideration or Clarification of the Utilities Technology Council, WT Docket No. 17-200 (filed Oct. 15, 2018) ("UTC Petition").

³ FPL's waiver request was filed in a series of 900 MHz band license applications. See, e.g., ULS File No. 0008453005 (filed November 28, 2018).
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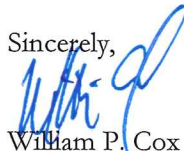
In contrast to the aforementioned waiver requests that seek to ensure that incumbents can continue to operate their businesses while the Commission considers whether to modify the band, the Anterix request is designed to allow Anterix to move forward with the band realignment prior to Commission action on the NPRM and would not provide relief to most incumbents. Anterix argues that "now that the NPRM has been adopted . . . incumbents should be permitted to exchange frequencies in the broadband segment voluntarily for frequencies in the narrowband segments on a 1:1 basis."

Simply put, Anterix's requested relief is too Anterix-centric and too limited, focusing only on its particular position as the proponent of a scheme under consideration by the Commission but not adopted, which would disrupt other incumbents in the 900 MHz band by inserting a broadband segment between narrowband segments within the 900 MHz Band without the consent of affected incumbents. The Anterix July 8, 2019 request is so narrow that it would not even allow an incumbent to optimize its network by exchanging frequencies totally within the proposed narrowband segments.

Moreover, Anterix inappropriately assumes that relief can be so narrow because the Commission will adopt its proposed scheme to reconfigure the 900 MHz band to include a broadband segment, a presumption that the Bureau should not make. The Bureau, which adopted the freeze, has the authority to grant UTC's requested reconsideration/clarification. Because the Bureau lacks authority to adopt rules for the 900 MHz band, however, it should not be making policy judgments and tailoring waiver relief on the assumption that the Commission will ignore the strong opposition to the Anterix proposed scheme and mandatory reconfiguration.

Anterix does or should know that it is not the only licensee in the 900 MHz Band and that many critical infrastructure entities, who are actually using their spectrum to provide important services to the public, also need relief from the freeze to optimize and expand their existing networks. The Bureau should grant the UTC Petition and the pending FPL waiver requests, in which case the Anterix request becomes moot.

Sincerely,



William P. Cox
Senior Attorney